IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3615 OF 2004

IN

ARBITRATION PETITION NO.115 OF 2005

Union of India ... Petitioners

v/s

Indo Built Enterprises and anr. ... Respondents

Mr Suresh Koma for Petitioners.

Mr U.S. Samudrala for Respondents.

CORAM : D.K.DESHMUKH J.

DATE : 4TH APRIL 2005

P.C.: -

1. The relevant and material facts for deciding this motion are that the arbitration award was made on 10th October 2002, signed copy of the award was delivered to the petitioner on the same day. On 1st January 2003, petition challenging the award was filed before the Civil Judge, Senior Division, Jamnagar. On 4th November 2004, an order was made by the Civil Judge, Senior Division, Jamnagar for return of the petition to the petitioner. 6th November 2004 was the date fixed for filing of the petition in this Court. The petition was actually filed on 9th December 2004. By this notice of motion, time spent in filing proceedings before the Jamnagar Court is sought to be excluded. However, in view of the judgment of the Division Bench of this Court in the case of H.M.P. Engineers Ltd. and others v/s Ralies India Ltd. and others, reported in 2003(3) Arb.L.R. 510 (Bombay), exclusion of time cannot be permitted. Hence the notice of motion is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary as true copy.

. Certified copy expedited.